**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**SECOND APPEAL NO.944 OF 2006**

Ramchandra Krishna Patil & Ors. ...Appellants

Versus

Bhimrao Santu Patil & Ors. ...Respondents

Shri N.V.Bandiwadekar for the Appellants.

**CORAM : ABHAY S.OKA, J.**
**DATED : JULY 06, 2007.**

**P.C.:**

1. The Second Appeal is filed by the original Defendants. The challenge in the Second Appeal is confined to dismissal of the cross-objection filed by the Appellants in the Appeal preferred by the original Plaintiffs before the District Court. The cross-objection is confined to the finding recorded by the trial Court as regards the rights in respect of the property bearing Gat No.643/1 admeasuring 83 Are. It must be stated here that the Appellants had not filed any counter claim. The suit filed by the original Plaintiffs was dismissed by the trial Court and the Appeal preferred by the original Plaintiffs has been also dismissed. Therefore, as of today, there is no decree passed against the Appellants and the decree which is passed by the Courts below is infact in favour of the Appellants.

2. In substance, the challenge in this Appeal is only to a finding recorded by the Appellate Court while dealing with the cross-objection filed by the Appellants. The cross-objection was not against a decree and the cross-objection was directed only against a finding recorded while dismissing the suit filed by the original Plaintiffs.

3. Therefore, this Appeal challenges only a finding and not a decree. Only on this ground, the Appeal is not entertained and the same is dismissed by keeping other lawful remedies, if any, of the Appellant expressly open.

**JUDGE**